



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 15, 2016

BY ELECTRONIC MAIL

Henry Edward Mazurek, Esq.
Clayman & Rosenberg, LLP
305 Madison Ave., Suite 1301
New York, NY 10165

Re: United States v. Moshe Mirilashvili, 14 Cr. 810 (CM)

Dear Mr. Mazurek:

We write to provide, pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, a written summary of testimony the Government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during its case-in-chief at trial.

First, the Government intends to call Christopher G. Gharibo, M.D. Dr. Gharibo is a Board-certified anesthesiologist and pain management physician and an Associate Professor of Anesthesiology at the New York University Medical Center in New York. A copy of Dr. Gharibo's CV is attached.

Dr. Gharibo is expected to testify about the following general topics:

- The legitimate practice of pain management medicine, including the use of physical therapy, surgery, non-surgical alternatives, and medications, including controlled substances;
- Medically appropriate uses of oxycodone and other controlled substances in the treatment of pain;
- Red flags of drug abuse and diversion, and a medical doctor's obligations with respect to detecting and avoiding drug abuse and diversion;
- Typical steps taken by medical doctors and providers to avoid drug abuse and diversion.

Dr. Gharibo will also be asked to share his expert opinion on certain aspects of the defendant's practice and prescribing habits, including the practice of accepting cash payments for medical visits; the duration of appointments with the defendant; the defendant's notes and medical records; as well as the number and commonality of the oxycodone prescriptions written by the defendant.

Finally, Dr. Gharibo may testify about the medical legitimacy of certain specific prescriptions written by the defendant, based on, among other things, a review of patient records, to the extent those were recovered during searches of the defendant's medical clinic and residence in December 2014 and are thus available for review.

Second, the Government intends to call William T. Winsley, M.S. Mr. Winsley is an Adjunct Professor at Ohio State University College of Pharmacy and was previously the Executive Director of the Ohio State Board of Pharmacy. He also previously served as the Compliance Specialist for the Ohio State Board of Pharmacy, among other positions, and has had several professional affiliations, including with the National Association of Boards of Pharmacy (the "NABP"). A copy of Mr. Winsley's CV is attached.

Mr. Winsley will testify about the following general topics:

- A pharmacist's "corresponding responsibility" with respect to controlled substances, including a responsibility to ensure that any prescription for a controlled substance is written for a legitimate purpose and medically appropriate for the patient's condition;
- Red flags of drug abuse or diversion from the perspective of a pharmacy, including indications that a prescription written by not be medically appropriate or that a patient may be involved in drug diversion;
- Steps legitimate pharmacies take to avoid filling medically unnecessary or otherwise illegitimate prescriptions;

Finally, Mr. Winsley may be asked to share his expert opinion on certain aspects of the defendant's medical practice and prescribing habits, including the number and commonality of the oxycodone prescriptions written by the defendant, and the practice of referring patients to particular pharmacies to fill prescriptions.

Pursuant to Rule 16(b)(1)(C), the Government seeks reciprocal notice as to whether the defendant intends to call any expert witness at trial.

Very truly yours,

PREET BHARARA
United States Attorney

By: _____/s/_____
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Enc.